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May 10, 2011

Mr. Phil Isenberg, Chair  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

RE: Delta Plan – 3<sup>rd</sup> Draft

Dear Chairman Isenberg and Council Members:

The Delta Reform Act of 2009 (SB1X 1, Simitian) created a once in a generation opportunity to resolve California's water challenges through the coequal goals of "providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem." The Delta Stewardship Council's Delta Plan is a key facet of a comprehensive approach for a long term solution for the Delta. Unfortunately, the direction taken by the Delta Stewardship Council on the draft Delta Plan fails to follow the parameters of Delta Reform Act. The draft Delta Plan would undermine the likelihood of achieving those coequal goals and be counterproductive to sustainable practices in northern California. The Butte County Board of Supervisors strongly objects to the direction taken by the Delta Stewardship Council.

We agree with the statewide consensus that drafts of the Delta Plan fail to adhere to the letter and spirit of the Delta Reform Act by attempting to exceed the authority provided to the Delta Stewardship Council. The letter submitted on April 8<sup>th</sup> by a broad coalition of counties, cities, water agencies, agricultural, business and other organizations clearly articulates the concerns shared by Butte County. Additionally, the Delta Stewardship Council heard specific comments such as those from the Regional Council of Rural Counties (April 8<sup>th</sup>), the Delta Stewardship Council's Independent Science Panel and from testimony voiced at the two day workshop on April 14<sup>th</sup> and 15<sup>th</sup>. A rare consensus among California water interests voiced their opposition to the framework of the Delta Plan draft. Although well intentioned, the attempt of the Delta Stewardship Council to exceed its geographic and regulatory authority would have unintended negative consequences.

Applying regulatory oversight throughout the Delta watershed would cause economic hardship, derail water resource planning efforts and imperil groundwater basins. Usurping local land use authority through the creation of a consistency finding process is not only unnecessary but counterproductive to promoting regional sustainability. Sound local land use decisions are a main reason for the ecologic health of much of the Delta watershed. The Council's oversight is unnecessary and unwelcomed. Subjecting public projects located outside the statutory Delta to a consistency certification review process administered by the Delta Stewardship Council would increase costs, cause delays and ultimately kill many beneficial projects. Statewide groundwater management issues should not be a major emphasis of the Delta Plan. Finally, the imposition of fees on upstream diverters, cumbersome planning and reporting requirements and unfunded mandates raises enormous economic and ecologic concerns for the region. At a time of limited resources, adding unnecessary and unauthorized regulatory oversight is questionable. Although the drafts of the Delta Plan have improved, the Delta Plan must be explicitly clear on its scope. A mandatory change must include clear and consistent statements that any activities that occur outside of the Delta or Suisan Marsh are not covered actions subject to the Delta Plan. The Delta Plan must not apply any mandatory policies to the Delta watershed.

The Delta Plan should clearly include support for existing water rights statewide consistent with the 2009 Delta Reform Act. The Delta Plan must reference and acknowledge Water Code 85031, which states, "This division does not diminish, impair, or otherwise affect in any manner whatsoever any area of origin, watershed of origin, county of origin, or any other water rights protections, including, but not limited to, rights to water appropriated prior to December 19, 1914, provided under the law. This division does not limit or otherwise affect the application of Article 1.7 (commencing with Section 1215) of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and Sections 12200 to 12220, inclusive." We believe that honoring area of origin water rights is consistent with the regional sustainability component of the Delta Reform Act and a foundational element to California's water future.

The Delta Stewardship Council has an opportunity to advance tangible, long lasting solutions for the Delta by adhering to the 2009 Delta Reform Act. Unfortunately, the Delta Stewardship Council is going down a dangerous path of ignoring the 2009 Delta Reform Act and coalition that supported its enactment. Time is of the essence to correct the course of the Delta Plan. Otherwise, the opportunity for once in a generation Delta solution will be squandered. We call upon the Delta Stewardship Council to revise the draft Delta Plan by adhering to the direction so carefully crafted in the 2009 Delta Reform Act. In doing so, the Delta Stewardship Council can play a strong, constructive role in advancing the coequal goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lambert". The signature is fluid and cursive, with the first name "Steve" and last name "Lambert" clearly distinguishable.

Steve Lambert, Chair  
Butte County Board of Supervisors